

// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of June, 2005, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Mayor Hutcherson gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Foster, Gillette, Helgeson, Seiffert, Hutcherson 5

Absent: Dodson, Johnson 2

// Copies of the minutes of the May 24, 2005 (two meetings) meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Seiffert, seconded by Council Member Gillette, Council by the following recorded vote approved the minutes as presented:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Johnson 2

// In the matter of Police - General, Resolution #R-05-066 amending the FY 2005 City/Federal/State Aid Fund and appropriating \$56,833 for the technology improvement programs for the Police Department, laid over from the May 24, 2005 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Johnson 2

// In the matter of Police - General, Resolution #R-05-067 amending the FY 2005 City/Federal/State Aid Fund budget and appropriating \$71,849 for funding of State Homeland Security training for the City of Lynchburg and first responder equipment for Public Works, laid over from the May 24, 2005 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Johnson 2

// In the matter of City Council, City Council Report #4 was considered. On motion of Council Member Seiffert, seconded by Council Member Gillette, Council by the following recorded vote cancelled the City Council meetings of July 26, August 23 and December 27, in addition to rescheduling the Council work sessions during the same three months:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Johnson 2

// In the matter of Airport - General, City Council Report #5 was considered. On motion of Council Member Seiffert, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-069, as presented, amending the FY 2005 Airport Projects Grant Fund budget and appropriating \$7,000, with \$5,600 reimbursement, for the purchase of three (3) Automated External Defibrillators for the Airport:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson	5
Noes:	0
Absent: Dodson, Johnson	2

// In the matter of Airport - General, City Council Report #6 was considered. On motion of Council Member Seiffert, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-070, as presented, amending the FY 2005 Airport Projects Grant Fund budget and appropriating \$130,000, with \$104,000 reimbursement, for rehabilitation of the aircraft ramp for Hangar #8 and repairs to the public roadway between Hangars 5 & 6 at the Airport:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson	5
Noes:	0
Absent: Dodson, Johnson	2

// In the matter of Housing Authority, a public hearing was held regarding City Council Report #7 regarding a request from the Lynchburg Redevelopment and Housing Authority (LRHA) for authorization to pursue acquisition of blighted property at 50 Monroe Street under Section 36-19.5 of the Code of Virginia. LRHA Development Assistant Connie Snively outlined the request, stating that the property has been cited by the City's Inspections Department for code violations and has been condemned and determined unsafe for human habitation. Ms. Snively went on to say that to date no significant improvements have been made to the property. There was no one else present who wished to speak to this item, and the public hearing was closed. In response to Council questioning, Ms. Snively stated that written notice was sent to the property owner notifying him of tonight's public hearing. On motion of Council Member Seiffert, seconded by Vice Mayor Foster, Council by the following recorded vote adopted Resolution #R-05-071, as presented, approving a request from the Lynchburg Redevelopment and Housing Authority to pursue acquisition of blighted property at 50 Monroe Street under Section 36-19.5 of the Code of Virginia:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson	5
Noes:	0
Absent: Dodson, Johnson	2

// In the matter of Public Works – Street Vacations, a public hearing was held regarding City Council Report #8 regarding vacating a 40 foot wide unopened, unnamed street located off Old Forest Road between Range and Lindberg Streets. Mr. Robert Crocker outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Gillette, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #O-05-072, as presented, vacating a 40 foot wide unopened, unnamed street located off Old Forest Road between Range and Lindberg Streets:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson	5
Noes:	0
Absent: Dodson, Johnson	2

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #9 outlining the petition of Historic Sandusky Foundation, Inc. for a Conditional Use Permit at 757 Sandusky Drive to allow the expansion of the existing museum to include a gift shop, exhibit gallery, restrooms and the rebuilding of a historic kitchen and smoke house in an R-1, Single-Family Residential District. City Planner Tom Martin provided a brief summary of the petition. Ms. Lynn Cunningham, Craddock Cunningham Architectural Partners, representing the petitioner, outlined the request and asked for approval. Dr. Peter Houck, President of the Historic Sandusky Foundation, along with Executive Director Greg Starbuck responded to questions and spoke in support of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Vice Mayor Foster, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-05-073, as presented, granting the Conditional Use Permit:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson	5
Noes:	0
Absent: Dodson, Johnson	2

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report # 10 outlining the petition of Jerry E. Brammer to rezone approximately .6310 acres located at 430 Graves Mill Road from R-4, Medium-High Density Residential District, to B-1, Limited Business District (Conditional) to allow the use of an existing structure as a real estate office. City Planner Tom Martin provided a brief summary of the petition. Mr. Jerry Brammer outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded

by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #0-05-074, as presented, granting the petition:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson	5
Noes:	0
Absent: Dodson, Johnson	2

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report # 11 outlining the petition of B&A properties, LLC to amend the Future Land Use Map for property between Lakeside Drive, Enterprise Drive and the Norfolk Southern Railroad from Employment 2 to Medium Density Residential and for a rezoning of approximately 3.3 acres from I-2, Light Industrial District, to R-4, Multi-Family Residential District, to allow the construction of apartments/town homes. City Planner Tom Martin provided a brief summary of the petition. Mr. Doyle Allen, Hurt & Proffitt, Inc., representing the petitioner, outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. In response to Council questioning, Mr. Allen stated that although the property is located in the City, access to the apartments/town homes would be via Bedford County, and that the only comments received from the City's Police and Fire Departments concerned the placement of the fire hydrants. Council Member Gillette asked that in the future, that City Council be provided the comments from the Police and Fire Departments regarding zoning requests. In response to Vice Mayor Foster's question, City Manager Kimball Payne stated that the children from these apartments/town homes would attend the Lynchburg City Schools. Mr. Payne went on to say that this would not be the only instance whereby access to City property is via a County roadway and that the City does have a mutual aid agreement with Bedford County to respond to emergency situations. Following discussion, and on motion of Council Member Helgeson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #0-05-075, as presented, amending the Future Land Use Map for property between Lakeside Drive, Enterprise Drive and the Norfolk Southern Railroad from Employment 2 to Medium Density Residential:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson	5
Noes:	0
Absent: Dodson, Johnson	2

On motion of Council Member Seiffert, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #0-05-076, as presented, approving the petition of B&A properties, LLC, to rezone approximately 3.3 acres of property between Lakeside Drive, Enterprise Drive and the Norfolk Southern Railroad, from I-2, Light Industrial District, to R-4, Multi-Family Residential District, to allow the construction of apartments/town homes:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson	5
Noes:	0
Absent: Dodson, Johnson	2

// In the matter of Community Planning - General, a public hearing was held regarding City Council Report #12 regarding amending Sec. 35.1-22 of the Zoning Ordinance to allow structures to cross the City/County boundary line by right. City Planner Tom Martin provided a brief summary of the request, stating that if this amendment is approved, that City and County staff will need to develop policies to address governmental issues associated with the proposed amendment. Mr. Martin went on to say that following the Planning Commission's review the City Attorney presented an alternative ordinance recommending that structures that cross the City/County boundary line be allowed by a Conditional Use Permit. There was no one else present who wished to speak to this item, and the public hearing was closed. City Manager Kimball Payne stated that both he and the City Planner have discussed the alternative ordinance and agree that requiring a Conditional Use Permit in these instances may be the way to go. Following discussion, and on motion of Council Member Seiffert, seconded by Vice Mayor Foster, Council by the following recorded vote adopted Alternative Ordinance #O-05-077, as presented, amending Sec. 35.1-22 of the Zoning Ordinance to allow structures to cross the City/County boundary line by a Conditional Use Permit:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson	5
Noes:	0
Absent: Dodson, Johnson	2

// In the matter of Public Works - General, Mayor Hutcherson announced that Council Member Dodson has asked that discussion regarding a proposal to reduce the Common Goods Fee be postponed. City Council agreed to reschedule this item to its 5:00 p.m. meeting on June 28.

// In the matter of Human Services - General, City Council Report #14 was considered. On motion of Vice Mayor Foster, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-078, as presented, amending the FY 2005 City/Federal/State Aid Fund budget and appropriating \$148,522, with \$118,818 reimbursement, to fund the Program Improvement Plan required by the State to address child welfare outcomes pertaining to children's safety, permanency, and well-being:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson	5
Noes:	0
Absent: Dodson, Johnson	2

// In the matter of Finance - General, City Manager Kimball Payne presented a brief overview of an accounts receivable policy which includes criteria for the write-off of uncollectible accounts receivable, in addition to notifying Council of the amount to be written-off for this fiscal year.

// On motion of Council Member Gillette, seconded by Council Member Seiffert, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-

appointed Boards and Commissions pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Johnson 2

// The meeting was re-opened to the public.

// Council Member Gillette made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Seiffert, and Council by the following recorded vote adopted the motion:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Johnson 2

// In the matter of Appointments, and on nomination of Council Member Seiffert, Council by the following recorded vote appointed Homer Massey to fill an unexpired term on the Social Services Advisory Board ending September 30, 2006:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Johnson 2

On nomination of Council Member Seiffert, Council by the following recorded vote appointed Thomas McGrath to fill an unexpired term on the Social Services Advisory Board ending September 30, 2007:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Johnson 2

On nomination of Council Member Seiffert, Council by the following recorded vote re-appointed Margaret A. Nelson to serve on the Youth Services Citizens Board for a term to expire June 30, 2008:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Johnson 2

On nomination of Council Member Seiffert, Council by the following recorded vote appointed Clark Jefferson and Eugene A. Tweedy, Jr., to serve on the Youth Services Citizens Board for terms to expire June 30, 2008:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Johnson 2

On nomination of Council Member Seiffert, Council by the following recorded vote re-appointed H. Andre Whitehead to serve on the City Employees Appeal Board for a term to expire June 30, 2008:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Johnson 2

On nomination of Council Member Seiffert, Council by the following recorded vote re-appointed Lester L. Lamb to serve on the Central Virginia Community College Board for a term to expire June 30, 2009:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Johnson 2

On nomination of Council Member Seiffert, Council by the following recorded vote appointed Judith Johnson and JoAnn Martin to serve on the Dr. Martin Luther King, Jr./Lynchburg Community Council for terms to expire June 30, 2008:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Johnson 2

On nomination of Council Member Seiffert, Council by the following recorded vote appointed George Hatmaker to fill an unexpired term on the Dr. Martin Luther King, Jr./Lynchburg Community Council ending June 30, 2007:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Johnson 2

On nomination of Council Member Seiffert, Council by the following recorded vote appointed Sean Thompson to fill an unexpired term on the Dr. Martin Luther King, Jr./Lynchburg Community Council ending June 30, 2006:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson	5
Noes:	0
Absent: Dodson, Johnson	2

On nomination of Council Member Seiffert, Council by the following recorded vote re-appointed J. Robert Davenport and Bill Speidell to serve on the Industrial Development Authority Board for terms to expire June 30, 2009:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson	5
Noes:	0
Absent: Dodson, Johnson	2

On nomination of Council Member Seiffert, Council by the following recorded vote appointed William J. Sydnor, II, to fill an unexpired term on the Lynchburg Redevelopment and Housing Authority Board ending September 30, 2008:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson	5
Noes:	0
Absent: Dodson, Johnson	2

On nomination of Council Member Seiffert, Council by the following recorded vote appointed Economic Development Director Mary Jane Russell to serve on the Lynchburg Business Development Centre Board for an indefinite term:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson	5
Noes:	0
Absent: Dodson, Johnson	2

On nomination of Council Member Seiffert, Council by the following recorded vote re-appointed Frances B. Calhoun and Henry C. Devening to serve on the Historic Preservation Commission for terms to expire June 30, 2008:

Ayes: Foster, Gillette, Helgeson, Seiffert, Hutcherson	5
Noes:	0
Absent: Dodson, Johnson	2

// The meeting was recessed at 9:10 P.M. to June 23, at 12:00 Noon, to conduct an interview with a School Board candidate.

Clerk of Council